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ABSTRACT

This position paper discusses the general absence of law instruction at the elementary level and presents reasons for including it in the elementary curriculum. Two factors which hamper attempts to provide law instruction are limited economic resources and a general lack of understanding that law-related education could develop democratic participation skills in students. Most elementary students presently study in depersonalized settings where they are expected to develop high-level cognitive skills in many subjects. They are trained to be self-centered rather than socially aware and are not encouraged to develop self-discipline, independence, or responsibility, as are elementary school students in China. Educators should involve students in caring about the quality of life and human interaction and awaken them to valuing democratic ideals at an early age. Efforts toward development of citizenship education programs must begin with clear statements of what we want to achieve in schools and the types of communal responsibility we intend to foster. Law-related education provides us with the broad concepts of democracy which are the building blocks for these efforts, and it should, consequently, be included in the elementary school curriculum. (Author/DB)

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Elementary Law-Related Education: Why Bother? And What to Get Bothered About!

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Paper Presented at The Regional Conference on Law Related Education - Sponsored by the Special Committee on Youth Education for Citizenship - American Bar Association.
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> " ... Ants are so much like human beings as to be an embarrassment. They farm fungi, raise aphids as livestock, launch armies into wars, use chemical sprays to alarm and confuse enemies, capture slaves. ... They exchange information ceaselessly. They do everything but watch television.
>
> "What makes us most uncomfortable is that they and the bees and termites and social wasps, seem to live two kinds of lives; they are individuals, going about the day's business without much evidence of thought for tomorrow, and they are at the same time component parts, cellular elements, in the huge, writhing, ruminating organism of the hill, the nest, the hive. It is because of this aspect, I think, that we most wish for them to be something foreign. We do not like the notion that there can be collective societies with the capacity to behave like organisms. If such things exist, they can have nothing to do with us.
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> "Although we are by all odds the most social of all social animals -- more interdependent, more attached to each other, more inseparable in our behavior than bees -- we do not often feel our conjoined intelligence."
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> "On Societies as Organisms" from "The Lives of a Cell: Notes of a Biology Watcher" by Lewis Thomas

In thinking about law-related education for elementary children, perhaps we should first ask, "Why, why bother?" After all, the children are so young and the subject of law is "heavy stuff." Besides, with present, limited economic resources perhaps the emphasis should be on secondary programs. Everyone knows -- that's where the delinquency problems are! There's always time to "go down into the grades," as the saying goes!

In a recent New York Times editorial, Edward Zigler, former Office of Child Development Director, and now Professor of Psychology at Yale University, asked the question, "Children first or last?" He said that in our nation "young children and families often come last and the social barriers to providing a better quality of life for our nation's children have become insurmountable. Too many Americans either will not or do not want to hear the well-documented facts concerning our nation's shortcomings with regard to children."

Health, childcare services and schooling are certainly high on our agenda of neglect. As educators we must be held accountable not only for reading scores but for the quality of life in our schools, the single, most important social agency for the socialization -- political and legal -- of our young.

We need to decide whether our children are assets or liabilities. We need to struggle more vigorously toward defining the purpose of our schools, and, subsequently, of citizenship education. Is it merely cliche to say our children are the hope of our tomorrows? Can we afford to wait until high school to teach about democracy?

What's happening to the children?

The elementary schools have succumbed to the technology of individualization. Like worker bees, the children busily attend to a multitude of tasks. Their contracts set the course, committing them to programmed instructions, workbooks, mounds of dittos. In "open" spaces or self-contained groupings, one sees the children laboring away. They are said to be "moving at their own pace." In many schools, programs have become so highly specialized that even six-year-olds "file away" to different areas of instruction --- ESL, bilingual clusters, the resource room for special needs children, math centers, Title I reading programs, plus physical education, art, music, and lunch. That, of course, doesn't include homeroom and assembly. And, instead of the old practice, "we rowed them up and yelled at 'em," we now "line 'em up and yell at 'em!" Most of the children call the adult "Teacher," hardly remembering her name, since they might be with five or six teachers each day. The settings are depersonalized and the clocks level any remnant sense of human dignity by announcing when the children shall be fed, filed to assemblies, resource centers, exercised, and released from another day's unrelenting routine.

The mechanisms of individualization are the reworking of traditionalism, though perhaps even more impersonal. Individualization is not synonymous with individuality and individualism. It is the perpetuation of what Kohlberg refers to as "the ideology of cultural transmission" -- the directed instruction and transmission of knowledge, skills, social and moral rules best represented by behaviorist views and learning theory. The value basis for this approach to schooling is the view of man's basic passivity as an organism to be manipulated through control of external stimuli.

From another perspective, Keniston identifies this intellectualization of the child as "a growing emphasis upon the child as a brain, upon the cultivation of narrowly defined skills and attitudes; and, above all, upon the creation, through our preschools and schools of a breed of children whose value and progress are judged primarily by their capacity to do well on tests of I.Q., reading readiness and school achievement." While skill development is quite essential, over-emphasis of cognitive learning sets up an imbalanced curriculum and that has serious consequences for our children and for our society.

This obsessive preoccupation with cognitive skills minimizes the development of social awareness and obstructs processes that encourage growth of obligation, self-discipline, independence and responsibility. It enforces self-centeredness at a time when youngsters need to "decenter," gain a strong sense of group identity and emotive commitment to our society. It isn't enough, as citizens, to be rational beings. We must involve student increasingly in caring about the quality of life and human interaction and awaken them to valuing democratic ideals and principles at an early age.

The socialization of our young cannot be left to chance. It must become part of a planned, on-going experience of the classroom and school life.

Efforts toward development of citizenship education programs must begin with clear statements of what it is we want to see in schools, behaviors that relate to both doing and feeling, developed in experiences that express the essential group life of the classroom, the context for continuing support of individuality and communal responsibility.

Since in the elementary years learning is so highly personalized and self-consciously formed, the processes of the classroom and the behavior of teachers have an especially high impact on the vulnerable attitudes and feelings of the student. Children compile, through their own observations and experiences, threshold ideas about the nature of control over rules, responsibilities. They collect images about themselves reflected by the expressed feelings and attitudes of adults and peers. These pervasive environmental influences of schooling make it crucial that the child feel the supportive response of authority, their caring and concern.

At an early age, children need organized, intentionally planned, group experiences to develop abilities for social participation -- discussion and decision-making skills that will help them develop social awareness and engage in socially desirable goals of the future. In these years, the objectives of citizenship education can be infused into the overall curriculum of the classroom by building multiple objectives into a wide-range of instructional activities. Law-related issues can be linked up to classroom governance and rule-making procedures, to studies of authority, responsibility and fairness in the school, in families, and communities, to themas in children's literature and to issues and events in the lives of group members.

In their developmental conflict of striving toward self-direction and independence, young children may express strong ambivalence toward adults, characterized by rebellious behavior and limit testing. A supportive authority person who is able to sustain a clear, reasonable set of expectations can greatly contribute to the child's internalizing positive attitudes. As their preoccupation with fantasy yields to motivation towards mastery of skills, children express increasing interest in roles, rules and group social responsibilities. By eight or nine years of age they have increased receptivity to differing viewpoints, and an increasing degree of social awareness.

What are the implications for a citizenship education?

Recognizing the social capabilities of elementary children is tantamount to planning environments that are, as Dewey suggested, "embryonic communities where in the child could develop democratic participation." Once we accept the idea that schools and classrooms are social systems, mini-legal systems that convey messages to the child of his worth and valued position within these groups, once we realize that learning the social-political messages embedded in these groups is ongoing, continuous and most often part of the "hidden" curriculum, then perhaps we can confront the responsibility for guiding education through this ferment of social change with a sound, well-structured citizenship program.

New developments in our understanding of the intellectual and social development of young children compel us to recognize their potential for growth, and respect the range of their abilities and interests.

As we attempt to make complex ideas more accessible to children, we should be mindful of oversimplifying, settling on "good behavior" is too vague and illusive. Helping children conceptualize fairness, responsibility, sharing, cooperation, power and authority, is a matter of careful planning, using the framework of the child's experiences, and tangible specific interactions and events as the groundwork for understanding more complex dimensions of these early stages of law concepts. For example, liberty, freedom, justice and participation can be studied in the later elementary years when children's abstract thinking capabilities increase and interests broaden. Their explorative nature and accelerated interest in social issues make this a prime time for learning about constitutional principles, the Bill of Rights, comparative government. And, since peer group activities are the dominant feature of classroom and school life, so, then, are the groups values and ideals critically important. Group cohesiveness during this period provides a strong basis for actualizing democratic processes through student government, an experience that provides students with rich opportunities to gain a kind of grass roots experience with political life.

We could go on and on, listing activities and thinking about what to do, but that will all come together once we recognize the importance of citizenship education, once we determine more clearly the purpose of our schools. A framework for elementary law-related education must evolve that is shaped by societies' needs and ideals and sound developmental theory. It must combine development of rational intelligence with opportunity for developing strong identification and emotive commitment to our social goals.

The building blocks for such a framework are the broad concepts of democracy--authority, diversity, justice, liberty, responsibility. There are other law concepts, certainly, that flow from the large themes of our American experience. The search for concept statements that have validity and meaning for our children and our society is, in itself, an extremely important and enriching endeavor for all the educators, parents, lawyers, members of the law enforcement, and judicial communities and community people that enter into that process together.

Recently, a group of American educators visited schools in The Peoples Republic of China. In their paper titled The Social Self in the People's Republic of China, they discuss their particular interest in the question of what happens to the individual child in a society dedicated to developing group-oriented people. The observations of these authors are compelling; their questions profoundly important to our deliberations about the nature and purpose of our schools' citizenship education. The authors concluded: "We found ourselves raising the question: What exactly do we mean by individuality? To what extent do we Americans recognize that we are bound to see individuality against the background of a competitive society in which we are expected to assert ourselves as individuals in order to be successful, and are taught to carve out our own pathway to security and comfort? Can we grasp what individuality could mean in a society committed to mutual caring, a society in which all the basic survival needs are met for everybody as a matter of course?"

"It was our impression that Chinese children are being nurtured by many constant adults in an atmosphere of caring, are identifying with parents whose egos are strong and whose hopes are high, and are being educated to feel a sense of significance in themselves and of purpose in the future.

"In China, the entire society ... is a support system, and every child feels that support for healthy growth in a very direct, personal way. Perhaps because the emphasis is on the social coping self rather than the personal, individual coping self, China may in time help us to expand our understanding of how individual and group can support and enhance each other."

These reflections are a stunning expression of our quandry. How can we mobilize the creative energies of our "conjoined intelligence" to build schooling experiences that are anchored to the principles and ideals of democracy? How shall we gain consensus for determining the true purpose of our schools? Law related education provides us with the framework for these efforts.

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